

### **REMARKS**

No new matter is added by this amendment. The present application was filed on September 12, 2003 with original claims 1-65. In previous amendments, claims 1, 2, 33 and 34 were amended and claims 65-66 were cancelled. In this amendment, claims 1, 33, and 65 have been amended. The claims remaining in consideration are claims 1-65 of which claims 1 and 33 are independent claims. Reconsideration is respectfully requested.

Claims 1-2, 6-31, 33-34, and 38-64 were rejected under 35 USC §102(b) as being anticipated by US Patent Application Publication 2007/0087810 filed in the name of Jay S. Walker et al (hereafter "Walker"). This rejection is respectfully traversed.

Independent claims 1 and 33 have been amended to more clearly identify the subject matter applicants regard as their invention.

Amended independent claim 1 sets forth a remote system for use with a gaming system for establishing attendance of a plurality of players at a marketing event. The event occurs at a common location. The remote system includes a remote device and a host computer coupled to the remote device through a remote network interface by a wireless connection. The remote device is embodied in a mobile computer which may be carried by a user. The user is not one of the players. The remote device receives player identification information related to each player in attendance at the marketing event at the common location input by the user. The user is located at the common location. The host computer defines a set of targeted players for the marketing event and establishing the common location, the common location being within a larger facility (for example, a casino). The host computer also receives the identification information from the remote device and stores the player(s)' attendance in a database located at the host computer, *if the player is one of the targeted players*.

In contrast, Walker discloses a system and method for generating an offer for an identified recipient. The Walker system provides a PDA or cell phone or other device which may be carried by a user. However, the system is not limited to a specific marketing event or to a location within the casino. The employee carrying the device identifies a player, any player in the casino, who may or "should" receive offers (see paragraph [0020]). The

employee approaches the player and the central computer identifies or determines the offer to be presented to the identified player ([0091]).

Thus, the Walker system does not teach the establishment of a marketing event or the establishment of a common location, for the marketing event, within a larger facility (such as a casino). Walker also does not establish a set of targeted players whose attendance at the marketing event (including the location within the larger facility) is established through a remote device and stored in a database at the host computer.

Since, Walker does not include each and every limitation of amended independent claim 1, applicants respectfully assert that the §102(b) rejection is improper.

Independent claim 33 sets forth a method for establishing attendance of a plurality of players at a marketing event. The marketing event occurs at a common location. The method includes the steps of establishing the event and defining a set of targeted players based on predetermined criteria and establishing the common location within a larger facility. The method also includes the steps of providing a remote device embodied in a mobile computer which may be carried by a user, allowing the user to establish player identification information by the user, who is not one of the players, for each player in attendance at the event at the common location, at the remote device, and sending the player identification information from the remote device to a host computer. The method further includes the steps of receiving the player identification information from the remote device at the host computer through a remote network interface via a wireless connection, and storing the players(s)' attendance in a database located at the host computer, if the player is one of the targeted players.

As discussed above, Walker does not teach such a method. First, Walker first identifies a player (who may be receptive to an offer) and then determines an offer to make to the player. In contrast, the method of the present invention first establishes an event and a common location for the event within a larger facility and defines a set of targeted players based on predetermined criteria. During the event, a remote device may be used to identify the players who attend the event and stores the player's attendance in a database on a host computer, if the player is one of the targeted players.

Since Walker does not include each and every limitation of amended independent claim 33, applicants respectfully assert that the §102(b) rejection of independent claim 33 is improper and must be withdrawn.

Dependent claims 2, 6-31, 34, and 38-64 are ultimately dependent upon allowable claim 1 or 33. Therefore for the reasons set forth above and based on their own merits, applicants assert that claims 2, 6-31, 34, and 38-64 are also allowable.

Claims 3-5 and 35-37 were rejected under 35 USC §103(a) as being unpatentable over Walker in view of OFFICIAL NOTICE. Claims 3-5 and 35-37 are ultimately dependent upon allow claims 1 and 33. Therefore, for the reasons set forth above, and based on their own merits, applicants respectfully assert that claims 3-5 and 35-37 are also allowable.

All of the Examiner's rejections and objections having been successfully traversed and/or made moot, applicants respectfully assert that the present application is now in condition for allowance. An early Notice of Allowance is solicited. If the Examiner believes that a telephone interview would be appropriate, please contact the undersigned at the number provided below.

Applicant believes that no additional fees are due, however, if any become required, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account 08-2789 in the name of Howard & Howard Attorneys.

Respectfully submitted

**HOWARD & HOWARD ATTORNEYS, P.C.**

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Date

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